

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

APPLE INC.,

Plaintiff,

v.

MASIMO CORPORATION and
SOUND UNITED, LLC,

Defendants.

MASIMO CORPORATION,

Counter-Claimant,

v.

APPLE INC.

Counter-Defendant.

APPLE INC.,

Plaintiff,

v.

MASIMO CORPORATION and
SOUND UNITED, LLC,

Defendants.

MASIMO CORPORATION and
CERCACOR LABORATORIES, INC.,

Counter-Claimants,

v.

APPLE INC.

Counter-Defendant.

C.A. No. 22-1377-MN-JLH

REDACTED - PUBLIC VERSION

C.A. No. 22-1378-MN-JLH

REDACTED - PUBLIC VERSION

**MOTION FOR CONFERENCE TO RESOLVE
DISCOVERY DISPUTE**

Pursuant to Paragraph 8(g) of the Scheduling Order (D.I. 103, C.A. No. 22-1377; D.I. 92, C.A. No. 22-1378), Defendant Masimo Corporation, Defendant Sound United, LLC, and Counterclaimant Cercacor Laboratories, Inc., respectfully move to schedule a conference to address outstanding disputes regarding the following discovery issues:

- Whether Apple must provide discovery regarding [REDACTED]
[REDACTED]
- Whether Masimo must provide discovery regarding prior art responsive to Apple's Request for Production Nos. 178-180, 183-199, 257-259, 266-276, and 278.

The following attorneys, including at least one Delaware Counsel and at least one Lead Counsel per party, participated in a verbal meet-and-confer by telephone on August 23, 2023 and on August 30, 2023.

Delaware Counsel:

For Masimo: Megan Haney
For Apple: David E. Moore

Lead Counsel:

For Masimo: Kendall Loebba, Jared Bunker
For Apple: Benjamin Luehrs, Jordan Malz

For efficiency, the parties respectfully propose scheduling the conference to take place in person on September 14, 2023, to coincide with the date for the Markman Hearing. Alternatively, the parties also are available for a conference on September 12, 2023 and September 15, 2023.

Dated: September 1, 2023

POTTER ANDERSON & CORROON LLP

PHILLIPS MCLAUGHLIN & HALL, P.A.

/s/ David E. Moore

David E. Moore (#3983)
Bindu A. Palapura (#5370)
Hercules Plaza, 6th Floor
1313 N. Market Street
Wilmington, DE 19801
(302) 984-6000
dmoore@potteranderson.com
bpalapura@potteranderson.com

Attorneys for Plaintiff

/s/ Megan C. Haney

John C. Phillips, Jr. (#110)
Megan C. Haney (#5016)
1200 North Broom Street
Wilmington, Delaware 19806
(302) 655-4200
jcp@pmhdelaw.com
mch@pmhdelaw.com

Attorneys for Defendants